

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 970 of 1995

with

CIVIL REVISION APPLICATION No 971 of 1995

with

CIVIL REVISION APPLICATION No 978 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO
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VAGHARI BACHUBHAI REVJIBHAI

Versus

GOHEL REVABEN WD/O.CHATURBHAI PUNAMBHAI

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Appearance:

MR MC SHAH for Petitioners

MR DC DAVE for Respondent No.10,14 & 15

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/12/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. Both the courts below concurrently found that the plaintiffs-petitioners are not in possession of the disputed land. The courts below have declined to grant any interim relief in favour of petitioners. It is a matter where both the courts have elaborately considered this matter at the stage where question is to be decided whether interim relief has to be granted or not and whatever findings are given by the courts below are not final. It is really a matter of serious concern that the courts below are taking a long time not only in hearing the applications below ex.5, but also in writing orders. The learned trial court's judgment runs in 54 pages and that of the appellate court in 26 pages. Even if it is taken that there was an agreement to sale the land allotted to the respondents in lieu of the acquisition of land from Final Plot No.213 to the plaintiffs-petitioners, but in view of the fact that the possession of the land in dispute is not with plaintiffs I do not find it to be a fit case where any interim relief of the nature as prayed for has to be granted. The courts below have not committed in the facts of this case, any material irregularity in exercising their jurisdiction to decline to grant temporary injunction in favour of plaintiffs-petitioners. It is a discretionary order and when both the courts have concurrently held on the question of possession in favour of defendants, it is a fit case where they could have declined to grant interim injunction which is what precisely has been done under the impugned order. I do not find any perversity in the orders of the courts below.

#. In the result, these civil revision applications fail and the same are dismissed. However, looking to the nature of controversy which has arisen in the suits and the fact that the suits are of the year 1993, the learned trial court is directed to decide the suits finally within a period of six months from the date of receipt of writ of this order or certified copy thereof, whichever is earlier. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

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